Law vol. 214

A

LETTER

TO

THE RIGHT HON.

EARL of SUFFOLK,

ONE OF HIS MAJESTY's

PRINCIPAL SECRETARIES OF STATE;

IN WHICH

THE INNOCENCE OF

ROBERT PERREAU

IS DEMONSTRATED.

Non ignara mali, miſeris ſuccurrere diſco——

VIRG.

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TO THE

READER.

THE Author of the following Letter did not intend that it ſhould be made public till after the Trial of Mrs. Rudd, leſt it might poſſibly be thought that it was publiſhed with a view of injuring her with her Jury, or the Public: an intention which he utterly diſclaims—But, as it has been ſaid in the public papers, that the Report of the Perreaus is to be made to his Majeſty the very next day after Mrs. Rudd's Trial, which is expected to come on one day this week, the Author, for this reaſon, thought the Publication could not be delayed any longer.

11 *July* 1775.

TO THE RIGHT HON.

THE

EARL OF SUFFOLK,

ONE OF HIS MAJESTY'S

PRINCIPAL SECRETARIES OF STATE.

" I have been too long acquainted with human Nature,
" to have great regard for human Teſtimony: and a
" very great degree of Probability, ſupported by various
" concurrent Circumſtances, conſpiring in one point,
" will have much greater weight with me, than
" human teſtimony upon Oath, or even upon Ho-
" nour; both which I have frequently ſeen con-
" ſiderably warped by private Views."

LD. CHEST. Lett. vol. II. Quarto Edit. p. 393.

MY LORD,

THIS Letter is addreſſed to your Lordſhip on a very ſerious ſubject, and I call upon you to read it with very ſerious attention—In conſequence of the high office which you ſo worthily fill, it is probable you will ſoon be applied

to to carry the Report to his Majeſty of the unhappy Convicts in Newgate: but before you do this, my Lord, let me intreat you to weigh well all the Circumſtances attending the caſe of Robert Perreau: apply the above obſervation of Lord Cheſterfield to thoſe Circumſtances; and if you find them, conſpiring in one point, declaratory of the innocence of this unfortunate Man, there can be no need to requeſt you to repreſent him to his Majeſty in the moſt favourable light; as, in ſuch caſe, that amiable humanity, which forms your Character, can leave your Lordſhip no alternative.

As to my own part, my Lord, I can with truth declare, that I am an entire ſtranger to all the parties, to their families, and to their connections: my ſituation in life is ſuch, that it exempts me from the deſire, or even wiſh, of reaping any advantage from theſe my poor endeavours in the cauſe of injured innocence—My motive for writing this Letter muſt therefore be obvious, which is an abſolute conviction within my own mind, that Robert Perreau, though condemned, ſtands free from all guilt: his Trial I have read with

the

the greateſt attention, but have not yet ſeen that of Daniel Perreau; and conſequently can ſpeak as to the former only, with any degree of certainty.

I am truly ſorry that, in this Letter, I am obliged to ſay ſo many things againſt Mrs. Rudd; as I have, my Lord, too much of the *milk of human kindneſs* in my diſpoſition, to wiſh to aggravate the crimes of the guilty, or force a tear from the eye of Miſery: but it is impoſſible for me, without throwing the guilt on her, to clear Robert Perreau. I hope therefore ſhe will attribute what I ſay, not to the leaſt intention of doing her any injury with the Public, but to the deſire of ſerving the innocent; and it is from the poſitive proofs of a Witneſs, not from the arguments of a Writer, that ſhe is to apprehend danger.

Without any intention therefore of throwing the leaſt blame, either on the Bench, or the Jury who tried the Priſoners; and who, I dare ſay, acted in this affair according to the dictates of their conſciences; I think I can very ſafely venture to maintain that Robert Perreau, at the time of uttering the Bond to Mr. Drummond, had not the leaſt

knowledge that it was forged; and without that knowledge there could be no guilt in him.—It is true, his Jury have thought that he had that knowledge, and have accordingly found him guilty: but though I revere Trials by Jury; yet you know, my Lord, and I know, that numbers have been found guilty, whoſe innocence has afterwards been univerſally acknowledged. I do not ſay that the verdict of Twelve Jurymen, on bare preſumption only, without proof, in my opinion, ſhould have no weight with others; but I do ſay, that ſuch a verdict will never ſhake the ſettled purpoſe of my ſoul to expoſe the injuſtice of it—The Jury were convinced, they did right when they found the Priſoner guilty; and I am convinced, that I do right when I find him innocent—The impartial Public will ſoon determine which of us is wrong—Nor, after all, my Lord, when this whole affair is conſidered with a retroſpective eye, is this verdict much to be wondered at; for let us only reflect for a moment, that the Magiſtrates in Bow Street committed the two Brothers to Newgate, and admitted Mrs. Rudd as an Evidence on the part of the Crown—I do not mean to throw the leaſt cenſure on this

this conduct of the Magiſtrates, of whoſe characters and abilities I have too good an opinion, to ſuppoſe they could have committed ſo capital a blunder, had the real facts been properly ſtated to them—Indeed it appears, from what they publiſhed lately in their own juſtification, that there was not the leaſt proof before them againſt Mrs. Rudd; and they therefore admitted her as an Evidence for the Crown—Whether they were right or wrong in ſo doing, as Mrs. Rudd, from her information laid before them, did not appear to be *Particeps Criminis?* or whether, ſuppoſing her a legal Evidence for the Crown, ſhe was not obliged to diſcover all ſhe knew of any other Forgeries, and to be conſiſtent in the whole of her teſtimony, before ſhe could avail herſelf of the favour of the Court, as a Crown Evidence? theſe are queſtions not materially connected with the preſent ſubject—Suffice it for my purpoſe that ſhe was admitted a Crown Evidence—But, I aſk you, my Lord, what impreſſion did this firſt ſtep of the Magiſtrates make on the generality of mankind; on nineteen perſons out of twenty in this nation; on thoſe, in ſhort, who do not chuſe to give themſelves

themſelves much trouble to inveſtigate matters of this nature with a cloſe and laborious attention? Why, certainly it made this impreſſion, that Mrs. Rudd could not poſſibly be the *principal* actor in this iniquitous buſineſs; for who could have dreamt that the *Principal* would be admitted as an Evidence? Now, my Lord, if ſhe was generally believed, before the trials of the Perreaus, not to be the *Principal*, it was natural for the Public to conclude, that one, if not both, of the Brothers ſtood guilty—Candour obliges me to confeſs that, before the trial, I was myſelf of that opinion—Hence, unfortunately for Robert Perreau, he ſtood, in the eye of the Public in general, on bad ground, even before his trial: and when it is conſidered how hard a taſk it is to remove prejudices and impreſſions of this nature; where is the wonder, my Lord, that the ſtriking circumſtances, in favour of the Priſoner, did not flaſh immediate conviction on the minds of his Jury?

No man, my Lord, can be more ſenſible than myſelf of the ineſtimable value, in general, of Trials to be determined by Twelve of our impartial Neighbours—But in dark complicated

complicated caſes, like this, where various circumſtances are to be combined together, and traced with the moſt minute attention, where the life of a Citizen is at ſtake, it were to be wiſhed that no Jury ſhould give their Verdict without having at leaſt a week to conſider of it. In this caſe the Jury knew ſomebody had forged the Bond; they knew, or were told, that Mrs. Rudd could not ſuffer for *this Forgery*, having been admitted an Evidence; and they alſo knew, that the Priſoner had been guilty, if not of manifeſt *Forgery*, at leaſt of manifeſt *falſehood:* and, as the *Principal* was out of the reach of the Law for this offence, they reſolved to make an example of the Priſoner, concluding that it would be of very bad conſequence, in ſuch a Trading Country as this, to let them both eſcape.—But, my Lord, I am bold to ſay, that if, in the beginning of this proſecution, Evidence had been brought before the Magiſtrates againſt Mrs. Rudd; if they had known that ſhe had, at Mr. Adair's, when under no awe of any one, not only cleared the Priſoner from all guilt, by taking the whole upon herſelf; but that ſhe had alſo given *proof poſitive*, that ſhe had forged the Bond; had theſe facts been laid before the Magiſtrates,

I am bold to ſay the whole affair would have taken quite a different turn; and ſo far, in that caſe, would Robert Perreau have been from being *condemned*, that he would not, it is thought, have been *committed:* on the contrary, there can be little doubt but that the Magiſtrates would have admitted him as an Evidence for the Crown.

When therefore, my Lord, the cool enquirer conſiders this affair; he inſtantly perceives that the misfortunes of the Priſoner are, in a great meaſure, to be attributed to the *fatal omiſſion*, in the firſt ſtage of the proſecution, of convicting Mrs. Rudd as *Principal*.

I now come, my Lord, to the only circumſtance, in my opinion, that could poſſibly make againſt the Priſoner; which was the manifeſt falſehood he was guilty of, when he aſſured Mr. Drummond that he had juſt ſeen Mr. Adair, who acknowledged the ſignature to the Bond.—Had the Priſoner, my Lord, not told this lie, I think there could not have been even a ſhadow of pretence for ſaying that he had a *knowledge of the Forgery*; for, as to the other Circumſtances which have been mentioned to his prejudice, I ſhall treat them preſently

preſently with that contempt which they ſo juſtly deſerve.—But let us examine into this circumſtance of the *lie*, which ſeems to have been the cardinal hinge, on which the fate of this unhappy Man has turned.

When he firſt produced the Bond, my Lord, it appears by the evidence of Robert Drummond, Eſq; that he put this queſtion to the Priſoner—" This Bond is made payable " to you: was you preſent when it was exe- " cuted?" No, ſaid he, I was not preſent.

Now, had Robert Perreau, my Lord, been privy to the forgery, had he uttered the Bond with a fixed premeditated intention, to defraud Mr. Drummond of ſo much money; ſurely it was at firſt as eaſy for him to tell a lie, by ſaying he was preſent when the Bond was executed, as to have told the lie he did tell two hours afterwards, about his having ſeen Mr. Adair, who had acknowledged the ſignature. —This was the firſt time, that any the leaſt ſuſpicion had been hinted to him, about the authenticity of the Bond.—There is a claſs of men, my Lord, of ſuch cautious, jealous diſpoſitions, in their tranſactions with mankind, that they would have taken the alarm at the firſt ſuggeſtion of Mr. Drummond, and would

immediately have ſifted the matter to the bottom.—There is another claſs of men, my Lord, full as reſpectable, who, with a generoſity of ſentiment that does honour to human nature, quite ſtrangers to every ſpecies of jealouſy, would ſpurn at any ſuch idea, and who would never be prevailed upon by the *firſt* ſuggeſtions of another, *immediately* to ſuſpect the integrity of a friend.—In this latter claſs, unfortunately for him, ſtands Robert Perreau. It is true, he might have gone directly to Mr. Adair, and have had the matter cleared up. Suppoſe that had been done,—Mr. Adair muſt either have owned the ſignature of the Bond, or have diſowned it: if he had owned it, ſtill the Priſoner had reaſon to think that an interview of this ſort, without Mr. Adair's conſent, would be the ruin of his Brother's affairs; and if he had diſowned the ſignature; then Forgery, and all its horrid train of conſequences, muſt directly have fallen on Mrs. Rudd, of whom he was too generous to harbour any diſtruſt at that time, and from whom his Brother had certainly received many pecuniary obligations.—Beſides, he had before negotiated other bonds under the like ſignature; and as the money due on them had conſtantly been paid, there is no wonder that the

the firſt prudential ſuſpicions of men in buſineſs, did not immediately ſhake that ſettled confidence, which the Priſoner ſeems to have repoſed in Mrs. Rudd. It does not appear, that ſhe had before ever deceived him: on the contrary, when the former bond was due, ſhe had brought him £. 4000, he certainly thought, from Mr. Adair, to pay it off; and he and his Wife were upon the moſt friendly footing with her.—The Priſoner therefore reſorts directly to her, from whom he had the bond; to her he imparts Mr. Drummond's doubts.—I aſk you, my Lord, whether many an honeſt man, would not have done the ſame thing, in the ſame ſituation? Did not the £. 4000 confirm every thing ſhe had ever told him about Mr. Adair? She immediately pretends to go to Mr. Adair; and, on her return, frames a very plauſible ſtory to impoſe on this deluded Man: nay, further, that nothing might be wanting to lull aſleep every kind of ſuſpicion, ſhe produces a Letter from Mr. William Adair, about the authenticity of which the Priſoner could entertain no doubt; for it appears by the evidence of George Kinder, Eſq; that the Priſoner had ſhewn him, before, Letters from Mr. William Adair, and that he ſaw Mrs. Rudd more than once give him Letters, as from

Mr. Adair to him.—When all this is conſidered, who does not ſee that this Letter was the real occaſion of the Priſoner's conduct the next day? for, as he had it in his pocket to produce in his juſtification, he could never think of being detected in a lie by Mr. Adair.

I am conſcious, my Lord, that numbers believe it quite impoſſible for the Priſoner, not to have detected the artifices of Mrs. Rudd during ſo long an acquaintance—But I could give a liſt of impoſitions equally incredible, which would ſwell this Letter into an enormous length: to paſs over others, let me only mention the recent inſtance of the *Hon. Mrs. Greaves*, who had art and cunning enough, not only to impoſe on a Man of the very firſt-rate underſtanding, but alſo to ſqueeze large ſums of money out of her acquaintance by her ingenuity:—— Whereas it is certain that Mrs. Rudd, inſtead of ſqueezing money out of the Perreaus, gave them ſolid proofs that ſhe did not impoſe upon them, by producing ſeveral ſums from time to time; and by theſe means the confidence they placed in her became unbounded.—Beſides, I am told that it will appear, on her trial, that the artifices ſhe has practiſed on the two unfortunate Brothers, are nothing in compariſon of

of thoſe with which ſhe has deluded others. —The Priſoner therefore told, what he certainly muſt have thought, a harmleſs lie, to ſerve, not himſelf, but the very perſon who could alone detect him: and, as it is not the bare telling of the lie, but the *criminal intention* of the liar, that conſtitutes his guilt, I think the *falſehood* of the Priſoner, in this inſtance, ought to have had no weight in his condemnation.—I have indeed too great a regard for truth, to juſtify a liar; but I maintain that, without telling the lie, he could not expect the loan of the money.

He had before received Letters from Mr. Adair, as he thought; he had before borrowed money for him, on bonds, from Sir Thomas Frankland.—When Sir Thomas advanced ſuch large ſums on mere perſonal ſecurity, it is reaſonable to ſuppoſe that he had other motives for ſo doing, beſides the credit of Mr. Adair's name: the application of the Priſoner muſt have had great weight with him.—— He knew his character; his uncle always called him *honeſt Perreau:* he therefore did not heſitate to lend him the money for his Benefactor. —And, to render this application the more ſucceſsful, the Priſoner, with great reaſon,

judged

judged it abſolutely neceſſary to create the ſame belief in the Lenders of the money, that he himſelf had, that there was the cloſeſt connection between Mr. Adair and him—In fact, Sir Thomas had that belief—But in all this conduct of the Priſoner there was no fraud intended; and ſo long as he was to be continued in the diſagreeable office, of borrowing money from his friends, for Mr. Adair; ſo long was it neceſſary for him to aſſert that the ſame connection continued to ſubſiſt—In conſequence of this, he makes the laſt bond in queſtion, payable to himſelf, becauſe the money was to be lent by his friend Mr. Drummond—In conſequence of this he authenticates the bond as from *himſelf*, and not *through the medium of affiance in another perſon*—Is there any crime in all this? Suppoſe the Priſoner had told Mr. Drummond nothing but the truth, and that the following dialogue had paſſed between them.

Pray, Sir, is there any great intimacy between Mr. Adair and you? Not the leaſt—Are there dealings between you both? None at all—Do you know that this is his ſignature to the bond? No, I never ſaw him write in my life—Did he himſelf deliver this bond to you?

He

He did not, I do not perſonally know him—Very ſtrange indeed, Sir, that you ſhould not know the man that has given a bond payable to yourſelf. Who did deliver it to you? My Brother Daniel's Wife, who aſſured me it was executed by Mr. Adair; and, as ſhe has before brought me letters from that Gentleman, in the ſame hand-writing with this letter in my pocket, and as I have already negotiated other bonds of his, with the ſame ſignature, I cannot doubt the truth of what ſhe ſays—All this, Sir, may be a very good reaſon why *you* may firmly believe the bond to be genuine: *you* may certainly repoſe an implicit confidence in your Siſter-in-Law, with whoſe integrity, and connection with Mr. Adair, *you* may likely be very well acquainted: But ſurely, Sir, it can be no good reaſon, why *we* ſhould believe the bond to be genuine; for, as you are ſo ingenuous, as to diſclaim having yourſelf any *perſonal knowledge* of its due execution, you muſt excuſe our lending ſuch a ſum of money on the mere credit of Mrs. Daniel Perreau, to whom we are entire ſtrangers.

Had the Priſoner acted in this plain manner with Mr. Drummond, it muſt certainly be allowed, that his conduct would have been

ſtrictly

ſtrictly candid; but, on the other hand, it muſt alſo be allowed, that he would not by this open behaviour have obtained the loan of the money.—True it is, there are ſome men who have ſuch an abhorrence of a lie, that they would never hazard one on any occaſion whatever.—It is alſo true, that there are other men (perhaps not quite ſo conſcientious) who think telling a lie no crime at all, if it is told with the view of ſerving their friend, without injuring any other perſon.—Let Robert Perreau be ranked in this laſt claſs of men, and the lies he has told, on this occaſion, will appear all quite inoffenſive; and his Jury might have been convinced that they were inoffenſive, had they only reflected, for a moment, on the ſingle act (among many others) of leaving the bond with Mr. Drummond, to ſatisfy his doubts about it; which proves, even to demonſtration, that the Priſoner had no thought of injuring him.

If I allow, my Lord, the general principle, "that we muſt not do harm, that good may "come of it;" if I allow, that it is not lawful to take away *one life*, to ſave a *thouſand lives*; yet few I fancy will allow, that it is not lawful to tell *one lie*, to ſave a *thouſand lives*—The intention white-waſhes the falſehood.—So when

when a Father inoculates his ten children, his *good intention* to preſerve their lives, juſtifies the practice; which, deſtitute of that *good intention*, would in him be highly criminal. Thus you ſee, my Lord, that actions in themſelves blameable, may become praiſe-worthy, when ſanctified by an *upright intention*—Let this reaſoning be applied to the caſe of Robert Perreau; who told a falſehood, not with a *bad deſign* of defrauding Mr. Drummond, but with a *good deſign* of ſerving his Friend.

The circumſtance therefore of the lie, which has been magnified into a hideous ſpectre, in order to guard and block up all the avenues to mercy, againſt this unfortunate Man: inſtead of proving his *knowledge* in the forgery, proves, that conſidering the ſituation he was in, and the preſſing inducements he was then under, he could not well have acted in any other manner, with any proſpect of ſucceſs; and that he choſe to tell, what he thought, very harmleſs lies; rather than fail to procure the money for his great Benefactor.

I have dwelt the longer on this ſubject of the lie; becauſe I am thoroughly convinced, that though, when cloſely examined, it by

no means juſtifies the Jury's verdict; yet, had this ingredient not been in the caſe, I have no doubt but that the Priſoner would have been honourably acquitted.

I have too much candour not to take notice, that it appears from his trial, that he told Mr. Drummond other falſities in January; which were, "that he had a bond from a "Gentleman whoſe name he was not at "liberty then to mention; and that he was "going to purchaſe an eſtate in Suffolk."

Here let it be remembered, my Lord, that he had before negotiated other bonds from Mr. Adair; and Mrs. Rudd had told him, before January, that if he would get ſuch another bond prepared, Mr. Adair was ready to ſign it—But, as the office, of borrowing money from his friends, was to him extremely diſagreeable; he choſe to defer this matter until March, when ſhe preſſed him again, and he could defer it no longer—As to the purchaſe of the eſtate in Suffolk, he did not mean that it was to be for himſelf; but he had been aſſured by Mrs. Rudd, that Mr. Adair requeſted he would make that purchaſe, as a qualification to entitle his Brother Daniel to

a ſeat in Parliament—Nor let this, my Lord, ſeem ſtrange; for, as a ſubſtantial, undeniable proof that all ſhe told the Priſoner was true, in regard to Mr. Adair; ſhe had abſolutely produced £.4000, which ſhe ſaid ſhe had received from that Gentleman, and which was paid to Sir Thomas Frankland—This, my Lord, was an opiate, which lulled the ſuſpicions of the poor Priſoner aſleep, much more powerfully than could the *juice of Poppy, or of Mandragora*; and made him afterwards repoſe an implicit confidence, in every thing ſhe ſaid or did in reſpect to Mr. Adair—But, in whatever light theſe two falſities are taken, it is not even pretended that they injured any one; and they appear to me to flow entirely from that conſequence, which the Priſoner aſſumed, from the ſuppoſed connection between Mr. Adair and himſelf.

A writer in the Morning Poſt of June 17th, who has adopted the ſignature of *Impartial Juſtice*, has indeed adduced other circumſtances in proof of the Priſoner's guilt. Theſe I ſhall cloſely examine.

He ſays, " The circumſtance of *antedating* " the bond from March to January, ſub-

" ſtantiates it, beyond a doubt, into a tranſ-
" action abſolutely Robert Perreau's own:
" that his *antedating* it was not without an
" end in view; namely, that it ſhould
" correſpond with the *exact period of time*
" in which the Priſoner had firſt mentioned
" to Mr. Drummond, that he was ſo poſſeſſed
" of ſuch a bond; that this circumſtance
" was never attempted to be explained, and,
" aggregately conſidered with the ſubſequent
" ones, eſtabliſhed undeniably the proof of
" knowledge in the Forgery."

I might in this place, my Lord, flatly deny the whole of the Writer's poſition—I might ſuppoſe, that the bond was antedated at the requeſt of Mrs. Rudd, that the money might the ſooner become payable—I might ſuppoſe, that it was antedated out of delicacy; that Mr. Drummond might not conclude the Priſoner to be in ſuch very great diſtreſs, as to be obliged to borrow money immediately on a bond which was but juſt given him by Mr. Adair—And I might ſuppoſe, that a bond, dated the 25th of January, could not be ſhewn Mr. Drummond, with a view of making him believe, that it was the ſame bond, mentioned on the 15th

or

or 16th of January, and which I ſhould rather think muſt have borne date *before*, not *after*, the 15th.—However, my Lord, as I am thoroughly ſenſible that *antedating* the bond, cannot poſſibly prove the *knowledge* in the Forgery, or the leaſt guilt in the Priſoner; I allow that it was antedated for the very purpoſe mentioned by this Writer: which was to make Mr. Drummond believe it was the ſame bond he mentioned before, on the 15th of January.—Why, what does this prove then, my Lord? It proves, that that ſelf-ſame eager diſpoſition to ſerve his friend, which had before prevailed on the Priſoner to tell inoffenſive lies, prevailed on him alſo to *antedate* the bond for the ſame purpoſe. There could be no *fraud* intended; and where there was no *fraud*, there could be no *guilt:* to this ſtep no objection could have been made on the part of Mr. William Adair; who might very eaſily be informed, through the medium of Mrs. Rudd, that the bond was *antedated*, with the ſole view of obtaining the more eaſily the loan of the money, as it would become payable the ſooner from the *antedating* the bond: and as to Mr. Drummond; he could claim intereſt only

only from the time he lent the money, not from the date of the bond.—And now, my Lord, I would aſk this ſagacious and benevolent Writer: How could the *antedating* the bond, eſtabliſh a proof that the Priſoner had a *knowledge in the Forgery?* In what did the guilt of this action conſiſt? Was it not, if *antedated* with the view he mentions, one continued gradation of the ſelf-ſame conduct, which determined him to uſe the moſt probable means of procuring the money for his Friend?

The other circumſtance mentioned by this Writer, to prove the guilt of Robert Perreau, is thus blazoned by him—" And finally to " remove every idea of fraud, he (the Priſoner) " tells Meſſ. Drummond *the next Day*, that he " had juſt ſeen Mr. Adair, &c. who was on the " point of going out: and this, no doubt, was " done with a view of preventing a propoſal " from them of going to Mr. Adair's, which " after happened; and then it was found, that, " circumſtanced as the Priſoner was, he " could not poſſibly refuſe to accompany them; " yet he ſays *he ſhall hardly find him at home*, " *as he was near taking horſe when I left* " *him*,

" *him*—Is it conſonant with any principle of " rationality, that a man ſhould advance " ſuch horrid falſities, without being privy " to the tranſaction? &c."

Sorry I am, my Lord, for the ſake of human Nature, that a man exiſts, that could write ſuch a paragraph, in order to ſtab a perſon already proſtrate on the ground—The writer himſelf ſays he was an *Auditor* at the trial: if therefore he here ſacrifices Truth, at the ſhrine of Malevolence, he does it wilfully, and with premeditated malice: in ſuch a caſe he merits no quarter; and none ſhall he meet with from me; who cannot ſuffer falſehood to eſcape detection, when big with horror, and levelled at the life of an innocent man.

If in this place, my Lord, thoſe ſtubborn things, dates and facts, are attended to; it will be found, by the evidence of Mr. Henry Drummond, that the Priſoner firſt produced the bond on Tueſday the 7th of March; that after Mr. Drummond had expreſſed his doubts about the authenticity of the bond, the Priſoner took it away with him, and returned again with it *in about two hours*, when he told Mr. Drummond (among other things)

things) that he had called on Mr. Adair, whom he had luckily met with before he went to take his ride—Is it not apparent from hence, that it was on the Tueſday, and not the *next day*, that the Priſoner told Mr. Drummond he had called on Mr. Adair? How then can this Writer, who heard the trial, make the Priſoner tell Mr. Drummond the *next day*, when the propoſal was made of going to Mr. Adair, *we ſhall hardly find him at home, as he was taking his horſe when I left him?* Why, the Priſoner had not called on Mr. Adair *twice*; he could not therefore tell Mr. Drummond on the *Wedneſday*, that he had *juſt left Mr. Adair*—It is the Writer himſelf then that advances a horrid falſity, in order to draw his own humane and charitable concluſion from it; which is, that the Priſoner ſaid this to Meſſ. Drummond, the *next day*, with a view of preventing any propoſal from them of going to Mr. Adair—On the contrary, does it not appear by Mr. Drummond's evidence, that the Priſoner did not ſhew, either in his *expreſſion*, countenance or behaviour, the leaſt reluctance to come into the propoſal of going to Mr. Adair?—The Writer, my Lord,

Lord, was ſo ſenſible, how powerfully the circumſtance of going to Mr. Adair's, with ſuch readineſs, operated in favour of the Priſoner; that, in order to evade the force of it, he has had recourſe to wilfull miſrepreſentation.

Another circumſtance has been mentioned to the prejudice of the Priſoner; which is, that he directed Mr. Wilſon the Scrivener, to burn the inſtructions, for filling up the blanks in the bond, which he had given him.—But ſurely this circumſtance needs no comment; for who does not immediately perceive, my Lord, that the Scrivener was requeſted to do this out of delicacy for Mr. Adair; who would naturally chooſe to have the tranſaction kept ſecret?—There could be no intention of *fraud*; for Mr. Wilſon might certainly prove that the blanks were filled up at the requeſt of the Priſoner, as well without preſerving the inſtructions, as if he had preſerved them.—But in this caſe, my Lord, every trifling circumſtance has been ſwelled into an enormous crime, in order to ſhut the doors of mercy againſt poor Perreau.——

As to charging the Priſoner with having received, himſelf, any part of the money raiſed upon the ſeveral forged bonds; there was not the leaſt *proof* of that, either upon his Trial, or ſince: and I ſhall not attempt to clear him from *imaginary* offences; nor can I conceive it neceſſary to anſwer ſuch idle charges.—Suffice it that I have conſidered every thing that aroſe on his *Trial*.—And as to the ſeveral ſums raiſed on the bonds, I am told that it can be proved, he never applied a ſhilling of them to his own uſe; though, if he had done ſo, I think it would not have proved any thing againſt him; for, as moſt of theſe ſums were raiſed for the uſe of Daniel, it was natural for him to lend part to his Brother, if required.

Thus I have anſwered, my Lord, I hope to your ſatisfaction, every thing that has been urged againſt the Priſoner: And, when you have conſidered what the whole amounts to: you will inſtantly perceive, my Lord, that the Jury have found him guilty of the *Forgery*, for no other reaſon in the world, but becauſe he was certainly guilty of a *falſehood*.—As to the *Forgery*; there is not the

the leaſt *proof* againſt him that he was *privy* to it; nothing but *preſumption:* but I inſiſt upon it, my Lord, that by the law of England, no ſubject ought to loſe his life, without *poſitive proof* of his crime; *preſumption* will not ſuffice to convict a man even of *bad Character*.

I now come to thoſe circumſtances which, louder than a thouſand tongues, proclaim the Priſoner's innocence, even to demonſtration.

The *firſt circumſtance* ariſes on the face of the bond itſelf; which is, "that the ſignature "at the bottom of it, and of the two wit- "neſſes, has not the leaſt reſemblance to the "hand-writing of either of the parties; and "as to Thomas Hart, there was no ſuch man "in Mr. Adair's family."

On this circumſtance I muſt obſerve, my Lord, that, if a man is concerned in ſo capital an offence as Forgery; it certainly behoves him to be very cautious, and to admit as few perſons as poſſible to a knowledge of his crime; it being a very juſt obſervation, that two are too many to keep a ſecret.—Indeed, had Mrs. Rudd been ſo

expert in counterfeiting hands, as to make the names to the bond, exactly correſpond with the ſignature of the parties; had that been the caſe, I can eaſily conceive why Robert Perreau ſhould pitch upon her to be his aſſiſtant in this black buſineſs—But, ſuppoſing him to be *privy to the Forgery*, I can conceive no reaſon, why he ſhould employ her to execute it in this bungling manner; in a manner, that could not fail to expoſe them ſoon to detection; for the hand-writing, it ſeems, is not only totally unlike that of the parties, but the chriſtian name of Mr. Adair was wrote at full-length, which was never his practice: ſo that the forgery was liable to be detected at firſt ſight; as Mr. Adair's ſignature muſt have been generally known, he having been ſo long in a public ſtation.—Had the Priſoner been *privy to the Forgery*; is it poſſible to ſuppoſe that he would not have had it executed in a more maſterly manner? He had lived too long in the world not to know, that forging the names was a crime, not a jot more heinous, than a *knowledge of the forgery*.—— What reaſon therefore can be aſſigned, why

why he ſhould not have wrote the names with his *own hand*, ſuppoſing him to have been *privy to the Forgery?* He would probably have done it in a better manner; but it was impoſſible for him to do it in a worſe.

As to Mrs. Rudd, this reaſoning does not apply to her: ſhe wanted, in this buſineſs, to impoſe on the Perreaus only—And it was neceſſary for her to write the names in the ſame manner, that had ſo often impoſed upon them before—As to raiſing the money, that was not her's, but the Priſoner's affair; and ſhe imagined that his character, with thoſe from whom he was to borrow the money, was ſuch, as to place him far beyond the reach of ſuſpicion: this is an exceeding good reaſon why ſhe ſhould pitch upon the Priſoner for his aſſiſtance; but I defy any man to ſhew me a good reaſon why he ſhould pitch upon her for her aſſiſtance, ſuppoſing him *privy to the Forgery*—Should it be ſaid, that ſhe made the Priſoner believe, that ſhe had ſuch an influence with Mr. Adair, that he would never proſecute them if he found out the Forgery;

Forgery; why then it was quite as eaſy for her to make him believe that the bond was genuine; and the poor Priſoner has found to his coſt, that though Mr. Adair let the affair drop, yet that could be no reaſon, why he ſhould not be proſecuted by Mr. Drummond, for uttering the bond to him, knowing it to be forged.—In ſhort, my Lord, conſider this circumſtance in what light you pleaſe, it muſt acquit the Priſoner of *knowledge in the Forgery*.

" The *ſecond Circumſtance* ariſes alſo on " the face of the bond itſelf; which is, " that the blanks in it were filled up, at " the expreſs requeſt of Robert Perreau, by " Mr. Wilſon, a public Scrivener."

Is it poſſible, on the leaſt reflection, to ſuppoſe, my Lord, that any man forging a bond, or *knowing* of the forgery, (which makes him equally guilty) could take ſuch a ſtep as this? What! take ſuch a bond to be filled up by a public Scrivener? Why, I inſiſt upon it, that this ſingle ſtep, might at firſt have thrown the whole weight of the forgery upon the Priſoner alone.—Suppoſe Mrs. Rudd had denied that ſhe ever ſaw, or heard,

heard, any thing of this bond: the conſequence would have been, that, from the evidence of the ſcrivener, the world in general would have believed that Robert Perreau himſelf had forged the bond.—Had the Priſoner been *privy to this Forgery*; to ſay that he would have taken ſuch a bond as this, inſtead of filling it up himſelf, to a public office at Charing-Croſs, juſt under the noſe of that very Banker he intended to defraud, is ſuch an abſurdity, that no man, my Lord, of common ſenſe, can for a moment be the dupe of it.—Is it uſual for men, that commit ſuch crimes, to commit ſuch blunders? Is it uſual for them to call in witneſſes to their black tranſactions? The Priſoner, by only looking at a bond that was executed, might, with the greateſt eaſe, have filled up the bond himſelf: and would he not certainly have done this, had he been *privy to the Forgery?* The matter is indeed too clear to need a comment.

The *third circumſtance* is this:—"The Pri-
"ſoner, on Tueſday the 7th of March, brought
"this bond to Mr. Drummond, who in the
"ſtrongeſt manner expreſſed his belief that
the

" the ſignature at the bottom was not the
" hand-writing of Mr. William Adair. Upon
" this the Priſoner takes the bond away with
" him, but returns again with it, in about two
" hours, to this very Mr. Drummond; and,
" what is ſtill more ſtrange, leaves it with
" him, without any heſitation, from that
" time till next day."

Having already, my Lord, given full anſwers to the objections, againſt this part of the Priſoner's conduct; I ſhall now conſider how ſtrongly this third circumſtance operates in his favour.—If the Priſoner had a *knowledge in the Forgery*, he certainly muſt have been very imprudent to take a bond, forged in ſuch a miſerable manner, to a public Banker; and to a Banker too, that lived in the neighbourhood of the man whoſe hand was forged. One would think, that common prudence would have pointed out to him ſome *private Gentleman*, to be the dupe of ſuch a forgery; and not *Bankers*, in whoſe ſhops, there are generally too many clear-ſighted wary people, to be impoſed upon in ſo groſs a manner.—But that, after his feelings were alarmed by Mr. Drum-

mon

mond—that, after he had taken the bond away with him, he ſhould have the daring effrontery to return again, with this forged bond, to the very man who had juſt before ſuſpected him; is to me, I own, very extraordinary.—Is it poſſible to believe, that the arts of any Woman could have prevailed upon a Man, *privy to the Forgery*, to have committed ſo deſperate an action? Would not ſuch a Man, the moment he got out of the ſhop with the bond, have hugged himſelf that he had had ſo narrow an eſcape? But that the Priſoner ſhould ſtill proceed a ſtep further; and leave ſo readily this forged bond, with the very Man that had ſo ſtrongly expreſſed his ſuſpicions about it; is ſuch an egregious abſurdity, that it ſurpaſſes all belief.—What! leave the forged bond with Mr. Drummond, from whoſe houſe it was but a ſtep to Mr. Adair, who could clear up the whole matter? If there was only this ſingle circumſtance in favour of the Priſoner; it would, my Lord, in my opinion, ſufficiently manifeſt his innocence. —On the other hand, if he was guilty, I think he ought to have been ſhut up as a

Lunatic, and not have been proſecuted as a *Criminal*.—In ſhort, it is quite inconſiſtent with every principle of reaſon, to ſuppoſe, that the Priſoner could have acted in this manner, had he not been an utter ſtranger to the Forgery.

The *fourth circumſtance* is this—"The "Priſoner came again the next morning to "Meſſ. Drummond, when they propoſed go- "ing to Mr. Adair's; which he moſt readily "aſſented to, without the leaſt reluctance, "in his expreſſion, countenance, or beha- "viour."

On this fourth circumſtance I ſhall beg leave to obſerve, my Lord, that when the Priſoner came to Mr. Drummond, a third time, on the Wedneſday morning; and ſtill found him perſiſting in his former ſuſpicions: it was then very natural for him to conclude that Mr. Drummond, having had the bond in his hands from the preceding day, had been with Mr. Adair to know the truth—And this was really the fact—Had the Priſoner therefore been *privy to the Forgery*, he would directly, on the Wedneſday, have preſſed Mr. Drummond to return him the forged

forged bond—Inſtead of which, ſo very eaſy was he about that matter, that he never once aſked for the bond; on the contrary, when the propoſal is made, of going directly to Mr. Adair to clear up the matter, he readily accompanies Meſſ. Drummond to that Gentleman; nor could they perceive the leaſt alteration in his countenance or behaviour.—This fourth circumſtance, my Lord, proves the Priſoner's ignorance of the Forgery to the meaneſt underſtanding: even his enemies (if a man in his ſituation can have enemies) have found this circumſtance act ſo powerfully in his favour, that, to elude the force of it, they have been obliged to miſrepreſent it, as I have already ſhewn; for they have ſaid, that when Meſſ. Drummonds, on the Wedneſday, propoſed going to Mr. Adair's, the Priſoner told them, "We ſhall hardly "find him at home, as he was juſt taking "horſe when I left him." But I have ſhewn that he ſaid no ſuch thing on the Wedneſday—And ſurely no one reaſon, but a *total ignorance of the Forgery*, could have prevailed on the Priſoner to face Mr. Adair; whoſe bond and letter he believed he had

to

to produce, as firmly as that his own name was Robert Perreau; and conſequently he had no fears about the event.

The *fifth circumſtance* is this:—" After " Mr. Adair had denied the ſignature to the " bond to be his, then it was that the Pri- " ſoner, for the firſt time, appeared ſurpri- " ſed; and immediately propoſed ſending for " Daniel Perreau's wife to explain the whole " affair."

Is it poſſible, my Lord, that the Priſoner could have taken this ſtep, if he had been an *accomplice* with Mrs. Rudd? Was it not ſufficient for him to ſuffer an ignominious death himſelf, without involving his Brother's family in his deſtruction? Would ſhe not immediately, at Mr. Adair's, have reproached the Priſoner, if he was guilty, for ſending for her to be hanged? Would not this conduct of his, if he was *privy to the Forgery*, have provoked her ſo much, as to throw the whole guilt upon him? He does not deſire to ſpeak to her in private, to cook up any ſtory, to form any plan—No, he ſends for her directly to be examined by thoſe very perſons, againſt whom the forgery was intended.—Why does he do this? For no other

other reaſon, but becauſe he knew his own *innocence*, and that he had the bond from her.

The *ſixth circumſtance* is this—" Mrs. " Rudd came to Mr. Adair's, when ſent for, " as ſoon as the coach could well bring her, " and immediately declared in the moſt ſo- " lemn manner, that ſhe herſelf had forged " the bond, and that the Priſoner was totally " innocent."

Here, my Lord, I muſt beg leave to obſerve, that the Priſoner had not then taken one ſtep that could diſpleaſe Mrs. Rudd.—She had then had no time to frame her future ſtories: ſhe therefore, knowing his innocence, tells the truth, that ſhe had forged the bond, and declares him perfectly innocent: this ſhe did under no fear, awe, or compulſion.—Nay, ſhe *proves* to Mr. Drummond, that ſhe *forged* the bond, by writing the ſame hand on a bit of paper.—But ſhe never would have done this, had the Priſoner been her *accomplice*, after ſending for her to hang her. I requeſt your Lordſhip to pauſe here, and aſk yourſelf this queſtion—Muſt not this ſpontaneous confeſſion

ſeſſion of Mrs. Rudd, and the *proof poſitive* ſhe gave of the forgery, free the Priſoner from all guilt; and convince every impartial man, that the fairy tales ſhe afterwards propagated, were only invented to ſooth her injuries, and gratify her reſentment? And indeed Meſſ. Drummond and Mr. Adair ſeem, at that time, to have been convinced of the Priſoner's innocence; for they told him he had been a dupe to her through the whole affair, and diſmiſſed the Conſtable, with whom they at firſt intended to have ſent him before a Magiſtrate.

The *ſeventh circumſtance* is this—"After "the affair was over with Meſſ. Drummond "and Mr. Adair, who had intirely dropped "it, as no one had been injured; the Priſoner "himſelf revives it, by lodging an infor-"mation before the Magiſtrates againſt Mrs. "Rudd."

In this place, my Lord, I muſt beg leave to obſerve; that if there is one ſingle circumſtance to be produced from the ſtores of evidence, that can prove the innocence of this Man more ſtrongly than another, in my opinion, that is this very circumſtance—If he was *privy to the Forgery*, and took this ſtep

ſtep againſt one no more guilty than himſelf, after the matter was dropped as above; he muſt certainly have been one of the greateſt villains, as well as one of the greateſt fools, that ever exiſted.—Bad as he might think Mrs. Rudd, he knew his Brother had great obligations to her; he knew this ſtep would awaken all her reſentment againſt his own devoted life; he knew the active part he had taken to procure money, not only on this, but on other bonds: and if he was her *accomplice*, how was it poſſible for him to eſcape puniſhment? If he was weary of exiſtence, could he not have taken a pill out of his own ſhop, which would have eaſed him of his burthen, not only in a ſhorter, but, I am ſure, in a much more honourable way than that he took, if he was really guilty? But if he was innocent, which he certainly was, then his whole conduct appears conſiſtent; and this ſeventh circumſtance proves, that he could not bear to have his integrity even ſuſpected; and that he was determined, even at the evident hazard of his own life, to vindicate an injured character—He knew the riſque he run by taking this ſtep—He knew

knew that Meſſ. Drummond had promiſed Mrs. Rudd, not to take any advantage, or make any uſe againſt her, of her own candid confeſſion and behaviour at Mr. Adair's: he had reaſon therefore to ſuppoſe, that they, as men of honour, would keep their promiſe, and not proſecute her—He knew that their evidence would be of the utmoſt importance to convict her—He knew, that, after Mr. Drummond had declared he would *ſet his foot on the bond*; yet, if he himſelf thought proper to revive the affair, he would reap no advantage from that declaration—He knew what a dupe he had been to Mrs. Rudd, through the whole affair; and, though ſhe had told the truth at Mr. Adair's, before the Priſoner had given her the leaſt offence; yet, after he had revived the proſecution againſt her, which was dropped by every body elſe, he could expect no quarter from her unbounded reſentment—All this he knew, my Lord: but he alſo knew his own *innocence:* and knowing that, no danger could deter him from aſſerting it.

Added to this train of circumſtances in his favour, when the fair ſunſhine of his character,

character, my Lord, comes alſo to be conſidered, it certainly gilds his caſe with uncommon ſplendor.—I here again declare, that I never, to my knowledge, ſaw him, nor either of the parties; and that I am an entire ſtranger to their families and connections—But I am well informed, that the Priſoner was particularly happy in the good opinion of all his acquaintance, by whom he was univerſally eſteemed as an affectionate Huſband, a tender Parent, a warm Friend, and a good Man—His buſineſs was great, his circumſtances were good—He was happy at home, he was reſpected abroad. If there was no other circumſtance, but his character, to plead for him: it would at leaſt be *highly improbable*, that ſuch a man (whoſe little bark was gently falling down the ſtream of Happineſs) ſhould quit the pleaſing ſcene, to ſtruggle with innumerable dangers, on the black ocean of Fraud and complicated Villainy.

If any thing I have ſaid, in behalf of Robert Perreau, can be applied to his brother Daniel, whoſe trial I have not read, no doubt but it will have due weight with your Lordſhip.

To conclude, my Lord, I have ſhewn, that the misfortunes of the Priſoner, flow chiefly from a wrong ſtep, in the firſt ſtage of this proſecution; from the neglect of proving before the Magiſtrates, what paſſed at Mr. Adair's: had that been done; I queſtion very much whether the Priſoner would have been *committed*, much leſs *condemned*.—I have ſhewn, that it is not the bare telling of a lie, but the *criminal intention* of the liar, that conſtitutes his guilt—I have ſhewn, that *antedating* the bond was quite an innocent action; even if the Priſoner did it, with the very view mentioned by his enemies; as it makes his conduct appear conſiſtent throughout—I have ſhewn, that the Priſoner ſtood no chance of obtaining the loan of the money, unleſs he authenticated the bond as from himſelf; unleſs in ſhort he told a lie, by pretending the cloſeſt connection with Mr. Adair; which ſuppoſed connection was the real occaſion of all his falſehood—I have ſhewn, that conſidering the ſituation he was in, and the great regard he had for his Brother, he could not well have acted otherwiſe, *with any proſpect of ſucceſs*;

ſucceſs; and I have ſhewn, that if there was no *fraud* intended in all this, there could be no *guilt* in the Priſoner—I have alſo, my Lord, produced *ſeven concurrent circumſtances*, which demonſtrate his innocence, more forcibly than could the tongue of Demoſthenes—If you likewiſe, my Lord, ſhould think, that theſe ſeven circumſtances *conſpire all in one point*, to prove his ignorance of the Forgery; then theſe *ſeven concurrent circumſtances* muſt weigh with You, as they would with Lord Cheſterfield, much ſtronger than the *verdict of his Jury*; who, ſtaggered with his *falſehood*, have in this caſe condemned him upon bare *preſumption*, without any *proof*, that he was *privy to the Forgery*.

Remember, my Lord, that it is much better that ninety-nine villains ſhould eſcape puniſhment, than that one *innocent man* ſhould loſe his life.—Remember too, that Mercy is the brighteſt gem, that glitters on the brow of Majeſty.

MARCELLUS.